



EPA Region 5 Records Ctr.



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October 31, 2008

*via Federal Express*Thomas Nash (C-14J)  
Associate Regional Counsel  
U.S. Environmental Protection Agency  
Region 5  
77 W. Jackson Blvd.  
Chicago, IL 60604-3507**RE: Chemical Recovery Systems Site, Elyria, Ohio**

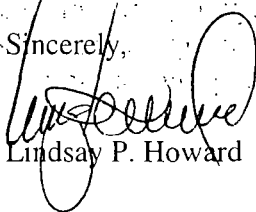
Dear Mr. Nash:

I am writing on behalf of Beazer East, Inc./Beazer Subsidiary XVIII, Inc. regarding the above-captioned matter. On or about August 21, 2008, the United States Environmental Protection Agency ("USEPA") issued a Special Notice Letter to a number of parties, including one addressed to "Parr/Beazer/Koppers." In that letter, USEPA initiated a formal negotiation period, with the objective of receiving a "good faith offer" from some or all of the recipients to fund or conduct the selected remedy for the Site. Based upon a telephone conference that was held on September 24, 2008 among many of the recipients of USEPA's letter, counsel for USEPA indicated that, based upon return receipts, the deadline for submission of a good faith offer was November 3, 2008.

Please be advised that my clients are actively engaged in good faith negotiations with the CRS Group, and, as part of that effort, currently are participating in an intense mediation process sponsored by the Group. We understand that the CRS Group is preparing and will submit a good faith offer to USEPA by the referenced deadline, and that the Group is hopeful that such submission will be sufficient to extend the time for additional settlement discussions in accordance with 42 U.S.C. §9622(e). We will continue to negotiate in good faith with the Group, with the goal of participating on a fair and reasonable basis in any Site-wide settlement that may result from the current negotiations (*i.e.*, a Consent Decree). It is our hope and expectation that these efforts will bear fruit, but, to the extent that our good faith efforts with the Group are unsuccessful, we would be willing to engage in additional negotiations with the United States directly to resolve this matter amicably.

Please feel free to contact me if you have any questions:

Sincerely,

  
Lindsay P. Howardcc: Mary Tierney, USEPA